

REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action mailed November 30, 2007, applicants hereby provisionally elect Group I, with traverse.

The grounds for traverse are that the outstanding Official Action fails to satisfy its burden in showing that the lack of unity determination is proper under PCT Rules 13.1 and 13.2. PCT Rule 13.1 provides that "the international application shall relate to one invention only or to a group of inventions so linked as to form a single general concept ("requirement of unity of invention"). PCT Rule 13.2 states that "where a group of inventions is claimed in one and the same international application, the requirement of unity invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Thus, PCT Rules 13.1 and 13.2 are art-based.

As to the citation provided by the outstanding Official Action, BARTOSCH et al. describe viral pseudo particles expressing natural E1 and E2 HCV proteins. These pseudo particles are used to test E1 and E2 function during HCV virus entry in the host cells.

BARTOSCH et al. disclose that these pseudo-particles may be able to infect hepatocyte cells. To confirm the hypothesis of the E1 and E2 rule during the virus entry into host cell, BARTOSCH et al. describe the use of monoclonal antibodies directed against E2 protein. Their results indicate that these antibodies may block the hepatocyte cells HCV infection.

The Official Action considers that antibodies disclosed by BARTOSCH et al. are the same as those described in the present invention. Accordingly, the Official Action contends that the technical feature described in the invention is not novel in view of BARTOSCH et al. and concludes that the present invention does not disclose a single general inventive concept.

However, BARTOSCH et al. describe antibodies directed against E2 proteins. The antibodies are disclosed in the prior art by FLINT et al. (J. Virol, 2000, 74:702-709). However, these antibodies stand in contrast to the claimed invention.

The antibodies disclosed in the present invention specifically recognize both E1 and E2 HCV proteins. Moreover, the immunogenic region recognized by the antibodies of the invention is distinct from the immunogenic region recognized by antibodies described by BARTOSCH et al. Thus, in view of the above, it is believed that BARTOSCH et al. fail to satisfy the requirements of PCT Rules 13.1 and 13.2.

As the Official Action fails to provide the citation of an invention showing the lack of a special technical feature, the

technical feature of the present invention and claims must be considered as a single general inventive concept. As a result, applicants respectfully request a search and examination of all the claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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